

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 5:04-CV-881-BO

ANDREA PANDOLFO
and RODNEY PANDOLFO,

Plaintiffs,

v.

ORDER

HOWARD PERRY & WATSON REALTY,
INC.; MARY JO RYAN; DANIEL RYAN;
WILLIAM RYAN; INSURANCE
CORPORATION OF HANOVER;
BRENDAN BYRNES; JESSICA CURTIS;
LINDSAY FORTUNE; CAITLIN LALLY;
MOLLIE MCCORMICK; MELISSA
MCGANN; KYLE STOKES; KELLY
WEILAND; BRETT WHITE; BEN WHITTED;
DAVISON WILKINS; and AMY
WOJCIECHOWSKI,

Defendants.

This matter is before the Court on two separate Motions for Sanctions, one by Defendant Daniel Ryan and another by Defendant Mollie McCormick. Both ask the Court to dismiss this lawsuit with prejudice, in view of Plaintiffs' failure to comply with various deadlines and Court orders. Defendants claim that Plaintiffs recently failed to participate in a mandatory telephone conference, and that Plaintiffs have not paid Court-ordered attorneys' fees. Plaintiffs did not respond to Defendants' Motions.


The Motions were referred to Magistrate Judge Webb, who in a Memorandum and Recommendation (DE #181) proposed dismissal of the lawsuit with prejudice. Magistrate Judge

Webb reasoned that Plaintiffs had acted in bad faith; that lesser sanctions had proven ineffective; and that Plaintiffs had been warned that further noncompliance would result in dismissal. As before, Plaintiffs have not responded to the Memorandum and Recommendation.

Accordingly, for the reasons set forth in the Memorandum and Recommendation, the Motions for Sanctions will be GRANTED. Plaintiffs' Complaint is STRICKEN and DISMISSED WITH PREJUDICE.

SO ORDERED.

This 22 day of June, 2007.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE